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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

RUBEN ROMERO,

Plaintiff,

-vs-

NO: 1:21-cv-00544-KG-CG

CORE CIVIC INC., et al.,

Defendant.

REMOTE ZOOM DEPOSITION OF CHARLES KEETON

July 20, 2022
9:00 a.m.

PURSUANT TO THE FEDERAL RULES OF CIVIL
PROCEDURE, this deposition was:

TAKEN BY: ALYSSA QUIJANO
ATTORNEY FOR PLAINTIFF

REPORTED BY: Jan Gibson, CCR, RPR, CRR
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EXHIBIT 1

<p style="text-align: center;">Page 6</p> <p>1 before you answer so we're not speaking over each 2 other because it makes the record a little 3 confusing, okay?</p> <p>4 A. Yes.</p> <p>5 Q. And you had a little bit of an internet 6 connection issue when you first joined. You froze 7 on my end. I don't know if it was my internet or 8 yours, but if that happens again, if I freeze on 9 your end, my audio cuts out, wave me down. I will 10 do the same. We want to make sure that we're not 11 talking when no one can hear us, okay?</p> <p>12 A. Yes.</p> <p>13 Q. And then your lawyer from time to time or 14 Mr. Jahner may object. You're also an expert for 15 Mr. Jahner. He may object to the questions I ask, 16 either to the form or foundation for the questions. 17 Those are for the record. They aren't meant to stop 18 you from answering or influence your testimony, so 19 I'll ask you to answer my question unless your 20 lawyer explicitly tells you not to answer, okay?</p> <p>21 A. Yes.</p> <p>22 MR. JAHNER: Ms. Quijano, speaking of that 23 and just to keep things moving, are you comfortable 24 with any objection that is interposed by Mr. Lee 25 also applying to me?</p>	<p style="text-align: center;">Page 8</p> <p>1 Chandler, Arizona. It was in person.</p> <p>2 Q. This is when you were warden of that 3 facility?</p> <p>4 A. Yes. It would have been, gosh, 2014 5 somewhere, '15 somewhere, somewhere in that time 6 frame.</p> <p>7 Q. Okay. And were you named as a defendant 8 in that lawsuit or were you only a fact witness?</p> <p>9 A. I was not named. I was only a witness.</p> <p>10 Q. And you didn't testify as an expert in 11 that case?</p> <p>12 A. I did not.</p> <p>13 Q. Have you ever testified as an expert 14 witness before?</p> <p>15 A. No.</p> <p>16 Q. So I'm going to ask, but it seems obvious, 17 so you've never been qualified as an expert in 18 court?</p> <p>19 A. No.</p> <p>20 Q. What, if anything, have you reviewed in 21 preparation for your deposition today?</p> <p>22 A. I reviewed a file furnished to me by our 23 attorney, by Mr. Lee. That included the 24 classification records for Mr. Romero, 25 classification records for the other inmates</p>
<p style="text-align: center;">Page 7</p> <p>1 MS. QUIJANO: Yeah, that's fine, Mike.</p> <p>2 MR. LEE: And vice versa, just so that 3 we're not both needing to object.</p> <p>4 MR. JAHNER: Thank you.</p> <p>5 MS. QUIJANO: Fine.</p> <p>6 MR. LEE: You read my mind, Mike.</p> <p>7 Q. (By Ms. Quijano) And I do expect this will 8 take some time today. I will try to give you a 9 break every hour. Every hour we will take about a 10 ten-minute break. At 10:00 o'clock we will break 11 until 10:10 and so on throughout the day, but if you 12 need a break on top of that, let me know. We can 13 take a break any time. The only caveat is if I've 14 asked you a question, answer the question and then 15 we will take a break, okay?</p> <p>16 A. Yes, understood.</p> <p>17 Q. Okay. I want to talk to you a little bit 18 about the previous depositions that you have taken. 19 How many times, if you know, have you been deposed?</p> <p>20 A. The only one that comes to mind was some 21 years back and it was in a -- I was a fact witness 22 in an employment case that involved the U.S. 23 Marshals Service when I was warden at Central 24 Arizona Detention Center. And that deposition was 25 taken actually at our attorney's firm there in</p>	<p style="text-align: center;">Page 9</p> <p>1 involved in this incident, and it had also the 2 plaintiff's expert witness statement and the 3 investigation report, and I reviewed the relevant 4 post orders that were in place at the time for both 5 Intake and for the housing unit along with the 6 review of the general orders. And that's what's 7 coming to mind right now. What was included was a 8 pretty substantial file.</p> <p>9 Q. Have you reviewed any security footage 10 related to the incident?</p> <p>11 A. I did, yes, the video of the incident.</p> <p>12 Q. Anything else that comes to mind that you 13 have reviewed in preparation for your deposition or 14 your testimony?</p> <p>15 A. I reviewed Mr. Peterson's transcript from 16 his deposition and Ms. Padilla's transcript from her 17 deposition.</p> <p>18 Q. Okay. Have you reviewed Mr. Romero's 19 deposition transcript?</p> <p>20 A. I have not.</p> <p>21 Q. And have you formed opinions in this case?</p> <p>22 A. Yes.</p> <p>23 Q. And are those -- I'm going to share my 24 screen. If you can't see this at any time, let me 25 know. I'm going to share my screen and attach the</p>

<p style="text-align: center;">Page 10</p> <p>1 Defendant's Expert Disclosure Statement as Exhibit 1 2 to your deposition. 3 (Note: Exhibit 1 marked.) 4 Q. Can you see that? 5 A. I can. 6 Q. Okay. Have you reviewed this document? 7 A. I have. 8 Q. Okay. And are the opinions that you hold 9 in this case reflected in this document? 10 A. They are. 11 Q. Are there any opinions that you intend to 12 testify about that aren't reflected in this 13 document? 14 A. No. 15 Q. Okay. So I want to go through this 16 statement with you piece by piece in just a minute 17 and go through each of your opinions, but I want to 18 get a little bit of a background from you. Some of 19 this is contained in this report. I understand that 20 you have been employed at CoreCivic for 19 years? 21 A. That's correct, yes. 22 Q. I'm going to stop sharing and go back to 23 it so I can see you a little better. What was your 24 first position within CoreCivic 19 years ago? 25 A. Warden.</p>	<p style="text-align: center;">Page 12</p> <p>1 Q. And how long were you the warden of that 2 facility? 3 A. From 2016 to 2019. 4 Q. And in 2019 why did you leave that 5 position? 6 A. I was promoted to managing director, the 7 position I'm currently in, in late 2019. I believe 8 it was in November. And I have been in that 9 position since with the company. 10 Q. You've held the position of managing 11 director just under three years? 12 A. That would be correct, yes. 13 Q. And before you worked for CoreCivic where 14 were you working? 15 A. I worked for the Texas Department of 16 Criminal Justice prior. I began as a correctional 17 officer, worked up through the ranks -- sergeant, 18 lieutenant, captain, major, then warden. 19 I was promoted to warden in 1994 of a 20 500-bed state prison facility in Breckenridge, 21 Texas. In 1995 I was promoted to a larger facility 22 in Lubbock, Texas, the Monford facility. And in 23 1998 I was again promoted to a maximum security 24 state prison in Beaumont, Texas called the Stiles 25 Unit.</p>
<p style="text-align: center;">Page 11</p> <p>1 Q. Of which facility? 2 A. Dawson State Jail in Dallas, Texas. 3 Q. I'm sorry, say that one more time because 4 it cut out. 5 A. Sure. Dawson State Jail in Dallas, Texas. 6 Q. And how long were you the warden of that 7 facility? 8 A. From 2003 until 2009. 9 Q. Okay. Did you hold any other positions in 10 that jail? 11 A. No. 12 Q. And why did you leave Dawson State Jail? 13 A. I was asked to move by the company to 14 become warden of Central Arizona Detention Center in 15 Florence, Arizona in 2009. 16 Q. Okay. How long were you the warden of 17 that facility? 18 A. From 2009 until 2016. 19 Q. Any other positions held with that 20 facility? 21 A. No, ma'am. 22 Q. And then after 2016, why did you leave 23 that facility? 24 A. I was asked to go to the La Palma 25 Correctional Center in Eloy, Arizona as warden.</p>	<p style="text-align: center;">Page 13</p> <p>1 Q. Okay. 2 A. I left the state in 2000, went to work for 3 MTC for a brief time as warden of Dawson State Jail. 4 MTC is another company, private prison provider. 5 Q. I just want to clarify, Management 6 Training Corporation is the -- 7 A. That's correct, yes. Management Training 8 Corporation is correct. 9 Q. And you were warden of their facility for 10 how long? 11 A. For three years until I came to work for 12 CoreCivic, at that time CCA. 13 Q. Have you ever -- I'm sorry, repeat for me 14 again, where did you work as a warden for MTC? 15 A. At Dawson State Jail. 16 Q. Okay. 17 A. In Dallas. 18 Q. So was that facility taken over by 19 CoreCivic in 2003? 20 A. It was. CoreCivic actually won the 21 contract for that facility and hired me and left me 22 there as warden. 23 Q. Okay. And so for three years you worked 24 for MTC. At that time CCA won the contract and kept 25 you onboard as warden?</p>

<p style="text-align: right;">Page 82</p> <p>1 Q. And what information did Ms. Padilla rely 2 upon in making her classification decision?</p> <p>3 A. To my understanding, what I just listed.</p> <p>4 Q. Sorry, what was it that you listed? I 5 thought that was a general statement but what did 6 she rely upon?</p> <p>7 A. She had the information, the booking 8 sheets and face sheets, she had the listings on that 9 and she had the interview with the party being 10 classified and then there was the availability of 11 newmexicocourts.gov.</p> <p>12 Q. Did she review the newmexicocourts 13 information?</p> <p>14 A. I believe so.</p> <p>15 Q. I don't remember her testifying to that so 16 let me just pull up her deposition. Give me just 17 one second.</p> <p>18 MR. LEE: I think what you are looking for 19 is Pages 58 and 59 where she testified that the 20 practice of Cibola was to look someone up on 21 nmcourts, and that was done every time.</p> <p>22 MS. QUIJANO: I found that. I don't see 23 testimony that she actually did it.</p> <p>24 Q. Did you see testimony, Mr. Keeton, that 25 Ms. Padilla did actually look at nmcourts in</p>	<p style="text-align: right;">Page 84</p> <p>1 Mr. Romero's statements. Mr. Romero's statements 2 are an important part but not the whole picture. I 3 don't know how to answer that any differently.</p> <p>4 Q. I'm not asking what she had. But if her 5 classification decision was made only on reliance of 6 Mr. Romero's statements to her, would that have been 7 a violation of policy?</p> <p>8 MR. LEE: Object to form.</p> <p>9 A. It would not have been according to 10 practice, policy and procedure, no.</p> <p>11 Q. And why is that?</p> <p>12 A. Because of the need to look at the 13 information available, the need to have a discussion 14 and ask the questions of the person being classified 15 and base the decision on the picture gained by the 16 whole process, not just one component or the other.</p> <p>17 Q. So safety and security of the institution 18 really relied on looking at the whole picture, not 19 just what the inmate gives them?</p> <p>20 A. Everyone relies on us doing the initial 21 classification consistently with the applicable 22 standard.</p> <p>23 Q. And in this case, of course, Mr. Romero 24 was housed with the co-defendant; is that right?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 83</p> <p>1 classifying Mr. Romero?</p> <p>2 A. I don't remember verbatim that being 3 stated. I just know that is part of the practice 4 that's done.</p> <p>5 Q. If she doesn't remember looking at 6 nmcourts specifically when classifying Mr. Romero, 7 would that have been a violation of policy?</p> <p>8 MR. LEE: Object to form.</p> <p>9 A. It would have been a violation of the 10 process. If she does not recall, I can't answer for 11 her whether she did specifically in this case or 12 not.</p> <p>13 Q. But if she hadn't. If she testified or 14 testifies at trial she did not look at nmcourts or 15 doesn't know, if she failed to look at nmcourts 16 would that have been a violation of policy for 17 classification of inmates?</p> <p>18 MR. LEE: Object to form.</p> <p>19 A. Yes.</p> <p>20 Q. And if she relied only on Mr. Romero's 21 reporting, would that have been up to the standards, 22 up to standard practice to only rely on Mr. Romero's 23 answers to the questionnaire?</p> <p>24 A. As I've stated several times, she had the 25 information available to her in conjunction with</p>	<p style="text-align: right;">Page 85</p> <p>1 Q. And that co-defendant wasn't identified by 2 Defendant Padilla during classification?</p> <p>3 A. Yes.</p> <p>4 Q. Yes, he was not identified?</p> <p>5 A. It's the way you asked the question, 6 ma'am.</p> <p>7 Q. I just want to clarify for the record. He 8 was not identified as a co-defendant of Mr. Romero, 9 Mr. Valencia was not?</p> <p>10 A. No.</p> <p>11 Q. Okay. Based on a review of the 12 information, was any co-defendant noted in 13 Mr. Valencia's file?</p> <p>14 A. I would like to look at the file. I 15 don't --</p> <p>16 Q. Have you reviewed Mr. Valencia's file?</p> <p>17 A. I have. I don't -- I'm not able -- I've 18 reviewed a lot of documents in the last, you know, 19 few hours, yesterday and today, so I don't remember 20 specifically the answer to that question. I'll be 21 happy to look and see.</p> <p>22 Q. Absolutely. I can pull that up. I'm just 23 trying to clarify what you reviewed. When is the 24 first time you reviewed Mr. Valencia's file?</p> <p>25 A. Yesterday.</p>

<p style="text-align: right;">Page 86</p> <p>1 Q. Did you review his file prior to your 2 attorney's disclosure of your expert statement and 3 the testimony that you're expected to give? 4 A. I discussed the particulars with the 5 attorney, but no, I did not get a chance to review 6 the files until yesterday. 7 Q. Did you review any information prior to 8 the disclosure of the expert statement by your 9 attorney? 10 A. No. 11 Q. And so this statement that we're looking 12 at in Exhibit 1, this is not based on your 13 independent review of the information available? 14 A. It is based on my review of the facts as 15 described to me, and then subsequently after 16 reviewing the information in the files that I have 17 had a chance to review, my statement is my 18 statement. 19 Q. Okay. This statement, I just want to 20 clarify, is based on the information provided to you 21 by your attorney? 22 A. Yes. 23 Q. So you came to the conclusion that 24 Defendant Padilla classified Mr. Romero 25 appropriately prior to reviewing the classification</p>	<p style="text-align: right;">Page 88</p> <p>1 review it, I won't put it on the record or the 2 screen and I'm not going to attach it as an exhibit 3 to the deposition. Or we can take a quick break and 4 you can review it. We can just stay on and be off 5 the record. But I can either send it to you to 6 review off camera while we have questions or we can 7 go off record and just sit on the computer and let 8 you review it to refresh your memory. What would 9 you prefer? It's about 50 pages. 10 THE WITNESS: Mr. Lee? 11 MR. LEE: I think it would probably be 12 best to take a short break and give Mr. Keeton a 13 chance to look through that. 14 MS. QUIJANO: I will e-mail it to you, 15 Jacob, is that fine? Or do you want me to share the 16 screen and go off the record? 17 MR. LEE: Yeah, go ahead and E-mail it to 18 me. 19 MS. QUIJANO: Let's go off the record. 20 (Note: The deposition stood in recess at 21 11:35 to 11:47). 22 Q (By Ms. Quijano) Back on the record. Now 23 that you have reviewed Mr. Valencia's file, do you 24 see a note that he had a co-defendant in this case? 25 A. I do not.</p>
<p style="text-align: right;">Page 87</p> <p>1 information in her deposition? 2 MR. LEE: Object to form. 3 A. I came to the conclusions that I'm stating 4 this morning, that she reviewed him appropriately 5 per policy and standard through discussion and a 6 review of the information as I had time to review 7 it. 8 Q. So I'm sorry for my question. Your 9 opinion, as stated in the disclosure statement, that 10 opinion is one you came to before reviewing any 11 documents about the adequacy of the classification 12 by Defendant Padilla? 13 A. I did not get to review it all prior to 14 the statement being prepared. 15 Q. And the opinions that you hold as to the 16 conduct of Defendant Peterson, you came to those 17 conclusions as stated in the expert disclosure prior 18 to reviewing any of the evidence yourself? 19 MR. LEE: Object to form. 20 A. Yes. Prior to having it all reviewed, 21 yes. 22 Q. I would like to give you an opportunity to 23 review Mr. Valencia's file. This is labeled as 24 "Confidential" and "Attorney's Eyes Only" so we have 25 two options. One, I can send it to you and you can</p>	<p style="text-align: right;">Page 89</p> <p>1 Q. Is that something important for 2 classification staff at CoreCivic to note in his 3 file if there is a co-defendant? 4 MR. LEE: Object to form. 5 A. It would be important to note. 6 Q. And in this case Mr. Romero was 7 Mr. Valencia's co-defendant; is that right? 8 A. That's what I've learned, yes. 9 Q. And after Mr. Romero was booked into the 10 CoreCivic facility in Cibola County, he was attacked 11 by Mr. Valencia and other inmates? 12 A. Yes. 13 Q. And is that the kind of security risk 14 that -- or one of the kinds of security risks that 15 CoreCivic aims to avoid by understanding if there is 16 a co-defendant in the case? 17 MR. LEE: Object to form. 18 A. That is what CoreCivic attempts to avoid, 19 yes. 20 Q. So knowing if someone has a co-defendant 21 could avoid violence in the facility? 22 MR. LEE: Object to form. 23 A. Could. 24 Q. In your review of Mr. Valencia's 25 institutional file and other evidence in this case,</p>

<p style="text-align: right;">Page 138</p> <p>1 Do you remember that in his testimony?</p> <p>2 A. Yes.</p> <p>3 Q. Do you, in your experience, in your 4 20-some years of experience in corrections, 5 recognize certain formations or congregations by 6 inmates to be an indication that something is going 7 to happen, that there is a security concern in 8 regards to an inmate?</p> <p>9 A. Yes.</p> <p>10 MR. LEE: Object to form.</p> <p>11 Q. So if someone in Unit Control or the pod 12 officer saw inmates congregating in that way, should 13 they have intervened to ensure the security of the 14 pod?</p> <p>15 MR. LEE: Object to form.</p> <p>16 A. If they determined that there was a 17 congregation that was a concern, yes, they should 18 have investigated.</p> <p>19 Q. And if they failed to investigate that 20 after seeing something that was concerning, a 21 concerning congregation by inmates, that would have 22 been a violation of the policy and standards?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Are you being compensated in any 25 way additional to your salary by CoreCivic for your</p>	<p style="text-align: right;">Page 140</p> <p>1 disclosure statement being submitted by the 2 defendants?</p> <p>3 A. I don't think so.</p> <p>4 Q. Do you know Shannon McReynolds at all from 5 your work in corrections in New Mexico?</p> <p>6 A. No.</p> <p>7 Q. Do you have any opinion on his expertise 8 in this field?</p> <p>9 A. No.</p> <p>10 Q. Are there any parts of Mr. McReynolds' 11 opinion that you agree with?</p> <p>12 A. No.</p> <p>13 Q. Do you agree with his assessment of what 14 the ACA standards state?</p> <p>15 A. I don't agree --</p> <p>16 MR. LEE: Object to form.</p> <p>17 A. No. I don't agree with his application of 18 the standards and some of the claims made about our 19 failure in this situation to be in compliance with 20 those standards.</p> <p>21 Q. Sorry, my question is a little more 22 specific. Do you agree with what he in his reports 23 states the standards state?</p> <p>24 A. I don't disagree with the standards. I do 25 not disagree with the standards, no.</p>
<p style="text-align: right;">Page 139</p> <p>1 testimony in this case?</p> <p>2 A. No.</p> <p>3 Q. Is there anything that is contained in the 4 expert disclosure statement provided by the 5 defendant or anything outside of what we talked 6 about today and what's in the disclosure statement 7 that you plan to testify to at trial?</p> <p>8 A. No.</p> <p>9 Q. I want to take just about ten minutes to 10 review my notes. I don't believe that I have any 11 other questions. I want to make sure I asked 12 everything I need to ask today, so let's take a 13 ten-minute break and come back at 1:27.</p> <p>14 (Note: The deposition stood in recess at 15 1:18 to 1:28).</p> <p>16 Q (By Ms. Quijano) I just have a few more 17 questions. You testified earlier that you reviewed 18 the plaintiff's expert's report?</p> <p>19 A. Yes.</p> <p>20 Q. When did you review that?</p> <p>21 A. I reviewed it again yesterday.</p> <p>22 Q. When was the first time you reviewed it?</p> <p>23 A. I believe I got that one in advance of</p> <p>24 some of the other documents to review.</p> <p>25 Q. Did you review that in advance of the</p>	<p style="text-align: right;">Page 141</p> <p>1 Q. Do you agree he accurately relayed what 2 the standards state, what the actual standards are 3 in his report?</p> <p>4 A. Yes.</p> <p>5 MR. LEE: Object to form.</p> <p>6 Q. I do not have any further questions. I 7 appreciate your time. I pass the witness.</p> <p>8 EXAMINATION</p> <p>9 BY MR. LEE</p> <p>10 Q. I have just a few follow-ups. Mr. Keeton, 11 you have been asked earlier about the timeline when 12 you reviewed documents in relation to the disclosure 13 statement. I just want to clarify. Did you feel 14 like you had an understanding of the facts of the 15 case at the time you reviewed the disclosure 16 statement before it was served?</p> <p>17 A. Yes.</p> <p>18 Q. And you did review the disclosure 19 statement and confirm that those were opinions that 20 you held?</p> <p>21 A. Yes.</p> <p>22 Q. And was that based on your understanding 23 of the facts at that time?</p> <p>24 A. Yes.</p> <p>25 Q. Since that disclosure statement came out,</p>

<p style="text-align: right;">Page 142</p> <p>1 have you had a chance to review in detail the 2 underlying documents about the incident? 3 A. Yes. 4 Q. Did that review change any of the opinions 5 that are stated in that disclosure statement? 6 A. No. 7 (Note: Exhibit 5 marked.) 8 Q. I'm going to share my screen with you 9 briefly when I get the right document. So you 10 should have up in front of you Rudy Valencia's ICAS 11 form dated September 24, 2017. Do you see that? 12 A. Yes. 13 Q. And you were asked a question just for the 14 record from Bates No. CoreCivic_Romero 1404 and 15 1405. You were asked a question about this 16 "unassigned" here at the top for his most serious 17 current charge or offense, and you agreed before 18 that that ideally should have been filled in with a 19 statement of what his most serious current charge 20 was, correct? 21 A. Yes. 22 MS. QUIJANO: Objection to form. 23 Q. Was Mr. Valencia, even though that was 24 left unsigned, was he given a score for severity of 25 current offense?</p>	<p style="text-align: right;">Page 144</p> <p>1 score of 12 mean that he should be housed in high 2 custody? 3 A. Yes. 4 Q. If you look down here, he received a total 5 custody score that was actually higher; is that 6 right? 7 A. Yes. 8 Q. At a score of 14 for his total custody 9 score, what custody level should Mr. Valencia have 10 been classified as? 11 A. High. 12 Q. And was he classified as high? 13 A. Yes. 14 Q. You also got some questions about the 15 population assignment not being filled in, and I 16 believe you testified that that's technically a 17 policy violation because that should have been 18 filled in; is that right? 19 MS. QUIJANO: Form. 20 A. Yes. 21 Q. And similarly, with regard to the custody 22 level, is that a technical violation in that that 23 should have been filled in? 24 A. Yes, the form should have been completed 25 there.</p>
<p style="text-align: right;">Page 143</p> <p>1 A. Yes. 2 Q. What was that score? 3 A. A 7. 4 Q. Are you aware of any information that 5 suggests that 7 is an improper score for that 6 category? 7 A. No. 8 Q. And in the Section 2D, History of 9 Institutional Violence, was Mr. Valencia given a 10 score in that category? 11 A. Yes. 12 Q. What was that score? 13 A. 5. 14 Q. Meaning that he had some prior behavior 15 not involving a weapon or resulting in serious 16 injury, correct? 17 A. Yes. 18 Q. Have you seen any information that would 19 suggest that that score is not correct? 20 A. No. 21 Q. What was the subtotal score -- what was 22 his total high-custody score based on this 23 evaluation? 24 A. 12. 25 Q. And so under the scoring system, does a</p>	<p style="text-align: right;">Page 145</p> <p>1 Q. To your knowledge and understanding, where 2 was Mr. Valencia housed at the time of the subject 3 incident? 4 A. In high custody. 5 Q. Was he housed appropriately according to 6 his computed custody level? 7 A. Yes. 8 Q. So do you see anything to suggest that 9 these technical policy violations resulted in 10 Mr. Valencia being housed somewhere he should not 11 have been? 12 A. No. 13 Q. You also got some questions about this 14 Final Population Assignment and Custody Level. Do 15 you see that area down here at the bottom? 16 A. Yes. 17 Q. When is that area supposed to be filled 18 in? Under what circumstances? 19 A. Only in case of an override, and that is 20 the final determination that was made after an 21 override has been recommended. 22 Q. So you had discussed with plaintiff's 23 counsel earlier what those non-discretionary and 24 discretionary override factors are, correct? 25 A. Yes.</p>